

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

CONTINENTAL INDUSTRIAL CAPITAL, L.L.C.,
a Delaware limited liability company, through
COHEN ASSET MANAGEMENT, INC., a
corporation,

Plaintiffs,

-vs-

THE DAVEY TREE EXPERT COMPANY,
an Ohio Corporation,

Defendant.

STIPULATION OF DISMISSAL
WITH PREJUDICE

05-CV-06517 DGL

FILED

SEP 10 2007


DISTRICT COURT
NEW YORK

Pursuant to Fed. R. Civ. P. 41(a), it is hereby stipulated that this action is dismissed with
prejudice and without costs to any party.

Dated: August 3, 2007

HARRIS BEACH PLLC

By:


David J. Edwards
Philip G. Spellane
Attorneys for Plaintiffs
99 Garnsey Road
Pittsford, New York 14534
Telephone: (585) 419-8800

Robert D. Mitchell
Mitchell Law Offices, P.C.
1850 N. Central Avenue, 19th Floor
Phoenix, Arizona 85004
Telephone: (602) 468-1411

Dated: August 3, 2007

**SCHOLARO, SHULMAN, COHEN,
FETTER & BURSTEIN, P.C.**

By: _____

Chaim J. Jaffe
Andrew M. Knoll
Attorneys for Defendant
507 Plum Street
Syracuse, NY 13204
Telephone: (315) 471-8111

SO ORDERED:

216035883360.1

USDJ

USMJ 9/10/07